

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

**CASE NO. 17-01972-5-SWH
CHAPTER 13**

**JAMES LARRY HENRY and
KIMBERLY RENEE HENRY,**

DEBTORS.

**Motion to Approve Permanent Loan Modification
and Direct Payments to Mortgage Lender**

NOW COME THE DEBTORS, through counsel, and hereby motion the Court to approve permanent loan modification of their mortgage loan with Rushmore Loan Management Services (“Lender”), and in support thereof allege the following:

1. Debtors have a first mortgage loan with Lender in the present amount of \$45,835.24.
2. Debtors applied for loan modification and Lender has agreed to modify Debtors’ loan. The proposed modification would consist of the following changes:

A.	Current Interest Rate:	12.17%
B.	New Interest Rate:	7.00%
C.	Modified Principal Balance:	\$45,835.24
D.	New Maturity Date:	5/1/2030
E.	Effective Date:	4/1/2019
F.	Term:	132 months
3. The proposed modification adds existing mortgage arrears to the principal balance and significantly reduce the interest rate and monthly loan payment, and is the best interest of debtors’ bankruptcy estate.
4. Debtors shall make all payments pursuant to the modified mortgage loan directly to Lender; debtors request an order authorizing direct payment of the mortgage loan and directing the chapter 13 trustee to withhold or cease any payment to Lender from amounts paid into the Chapter 13 Plan.
5. The requested modification is not prohibited by the Bankruptcy Code.
6. Debtor’s counsel requests attorney fees in the amount of \$200.00 to be paid through the chapter 13 plan.

WHEREFORE, Debtors pray that the Court approve the loan modification, direct payment of the modified loan to Lender, and attorney fees to be paid to Debtor's attorney through the chapter 13 plan as set out above.

Dated: September 17, 2019

s/Anthony L. Register
Anthony L. Register
Attorney at Law
Alley, Register & McEachern
701 North Fourth Street
Wilmington, North Carolina 28401
Telephone (910) 251-0103
Facsimile (910) 251-0209

Certificate of Service

The undersigned certifies that a copy of the foregoing Motion has been sent to the following persons electronically:

Joseph A. Bledsoe III
Chapter 13 Trustee

and by United States 1st class mail, certified, return receipt requested, at the following addresses:

Rick D. Lail
Attorney for Lender
P.O. Box 30081
Charlotte, NC 28230-0081

Rushmore Loan Management Services

Attn: Managing Agent
15480 Laguna Canyon Road S
Irvine, CA 92618

and by United States 1st class mail at the following address:

Mr. and Mrs. James Henry
5925 Malpass Corner Road
Currie, NC 28435

DATED: September 17, 2019

s/Anthony L. Register
Anthony L. Register